

OGC Has Reviewed

OGC 68-2515

20 December 1968

MEMORANDUM FOR: Deputy SSA-DDS

SUBJECT: Home Leave Benefits

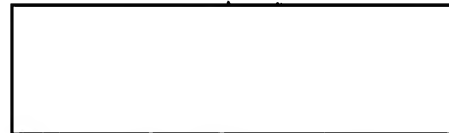
1. This is in response to your memorandum of 19 December, subject as above, requesting our comments on certain aspects of home leave benefits. Specifically you indicate that employees object that home leave may not be taken in those instances when a returning employee is not to be assigned overseas again or when retirement is imminent.

2. Home leave is authorized by Section 6305 of Title 5 of the United States Code. That section authorizes the granting of home leave but specifically provides that home leave "may not be made the basis for terminal leave or for a lump-sum payment." The statute also authorizes the Civil Service Commission to issue implementing regulations. The Commission has done so. Subsection 6-7c. of Chapter 630 of the Federal Personnel Manual authorizes the granting of home leave within a reasonable time after returning from abroad of an employee "when it is contemplated that he will return to service abroad immediately or upon completion of an assignment in the United States." That subsection further provides "home leave not granted at that time may not be granted until the employee has completed a further period of service abroad equivalent to the tour of duty prescribed for his post of assignment, unless the agency determines that an earlier grant of home leave is warranted."

3. I believe it is clear from the above that the Agency is correct in applying the law when it declines to grant home leave to a near retiree or to one whose further assignment abroad is not contemplated. I would add also that the Commission regulation would seem consistent with the historical basis for home leave,

namely the desire for an employee whose future duties would take him outside the United States to familiarize himself with current matters within the United States.

4. With reference to the nature of the employee's home leave benefit, he by right earns home leave. He is granted permission to use it only at the discretion of his employing agency.



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Associate General Counsel